

UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO

In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  THE COMMONWEALTH OF PUERTO RICO <u>et al.</u> ,  Debtors. <sup>1</sup>	PROMESA Title III   Case No. 17 BK 3283-LTS  (Jointly Administered)
In re:  THE FINANCIAL OVERSIGHT AND MANAGEMENT BOARD FOR PUERTO RICO,  as representative of  PUERTO RICO ELECTRIC POWER AUTHORITY,  Debtor.	PROMESA Title III   Case No. 17 BK 4780-LTS

ORDER OVERRULING COBRA ACQUISITIONS  
LLC’S OMNIBUS OBJECTION TO FEE APPLICATIONS FILED BY  
PROFESSIONALS AND REQUEST TO INCREASE HOLDBACK AMOUNT

Before the Court are the *Omnibus Objection to Fee Applications Filed by Professionals and Request to Increase Holdback Amount* (Docket Entry No. 9419 in Case No.

<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

17-3283 and Docket Entry No. 1799 in Case No. 17-4780) and the *Supplement to Omnibus Objection to Fee Applications Filed by Professionals and Request to Increase Holdback Amount* (Docket Entry No. 9752 in Case No. 17-3283) (together, the “Objection”) filed by Cobra Acquisitions LLC (“Cobra”). The Court heard argument and rendered an oral decision regarding the Objection at the Omnibus Hearing on March 4, 2020.

As explained on the record, PROMESA does not refer to or incorporate a concept of administrative insolvency in connection with a Title III debtor’s payment of administrative expenses or otherwise, nor does it restrict a debtor’s ability to pay such expenses as they accrue during the pendency of its Title III case. Rather, PROMESA requires only, as a condition to confirmation, that, “except to the extent that the holder of a particular claim has agreed to a different treatment of such claim,” a plan “provide[] that on the effective date of the plan each holder of” an administrative expense claim “will receive on account of such claim cash equal to the allowed amount of such claim[.]” 48 U.S.C.A. § 2174(b)(4) (West 2017). Cobra has conceded that, with respect to the interim fee applications at issue, it has no objection that is predicated specifically on either the factors enumerated in PROMESA section 316, 48 U.S.C. § 2176, or the interim compensation procedures approved and adopted by this Court. Accordingly, Cobra has proffered no legal or factual basis for the relief sought in the Objection.

For these reasons, as well as those stated on the record at the March 4, 2020, Omnibus Hearing, Cobra’s Objection is overruled.

SO ORDERED.

Dated: March 6, 2020

/s/ Laura Taylor Swain  
LAURA TAYLOR SWAIN  
United States District Judge